

The Sheriff's Office in History

The history of the Office of Sheriff is really a history of self-government. While some historians maintain that the Office of Sheriff derives from either the Roman proconsul, or the Arab Sharif (nobleman), it is generally accepted that the Office goes back historically to Anglo-Saxon England, (A.D. 500-1066).

According to Anglo-Saxon custom, if someone broke the law it was not just a crime against the victim, but a crime against the whole community. The Anglo-Saxon kings expected their subjects to keep good order, which they called "keeping the peace." A crime was an act against the peace and some of the more serious crimes were said to be "against the King's Peace." Eventually, the idea grew that all crimes were against the King's Peace. Under Anglo-Saxon rule it was the duty of the citizens themselves to see that the law was not broken, and if it was, to catch the offenders. All the males in the community between the ages of 12 and 60 were responsible for this duty. They were organized in groups of about ten families, and each group was called a "tything": At their head was a "tythingman." Each member of the tything was held responsible for the good behavior of the others. Ten tythings were led by a "reeve." If one member committed a crime, the others had to catch him and bring him before the court, or the "moot" as the Saxons called it. If they failed to do so they were all punished, usually by paying a fine. If anyone saw a crime he raised a "hue and cry" and all men had to join in the chase to catch the criminal and bring him before the court. Under Alfred the Great, (A.D. 871-901), reeves began to be combined, forming "shires" or counties. Each shire was led by a reeve. For minor offenses, people accused of crimes were brought before the local "folk moot." More serious cases went to the "Shire Court," which came under the "shire reeve" (meaning "keeper and chief of his county"), who came to be known as the Sheriff. After the Normans conquered England in A.D. 1066, they adopted many Anglo-Saxon

law keeping methods, including the system of tythings, the use of the hue and cry, and the Sheriff's courts. In A.D. 1085, King William ordered a compilation of all taxable property in a census, and decreed that the Sheriff was to be the official tax collector of the king.

In A.D. 1116, King Henry I established a new penal code. While the Crown reserved to itself the power to punish for violations of the penal code, it delegated to the sheriff the power to investigate and arrest. Through the next century, as the power of the King increased, so did the power of the Sheriff. During the Westminster Period, (1275-1500), the offices of "bailiff" and "sergeant" were created to supplement the Sheriff. However, county government remained in the hands of the Sheriff. By the year 1300, the Sheriff was the executive and administrative leader of the county. In addition to being the tax collector for the King, the Sheriff was head of the local military and was charged with assuring that the peace was maintained. The Sheriff presided over the prisoners and the court, and his authority was unparalleled by any other county official. When settlers left England to colonize the New World, they took with them many of their governmental forms.

When the first counties were established in Virginia in 1634, the Office of Sheriff in America began. Maryland soon followed this pattern, and in both states the Sheriff was delegated the same powers as the Sheriff held in England. As in England, respect for the Sheriff was strictly enforced by the law. A special seat was often reserved for the Sheriff in churches. Contempt against the Sheriff was an offense punishable by whipping. At this time, Sheriffs were responsible for both enforcing and punishing offenders. By the time of the American Revolution, all of the colonies had Sheriffs. When the American frontier began to move westward, so did the Sheriff. The 19th Century was the golden age of the American Sheriff, with characters like Wild Bill Hickok, Wyatt Earp, and Texas John Slaughter becoming a colorful part of American history. Today, the

Office of Sheriff is found in every state in the Union. The Office of Sheriff was brought to the colony, which would become the Commonwealth of Pennsylvania by Dutch and English colonists before the time of William Penn. The Office was constitutionally mandated by all five of Pennsylvania's Constitutions, in 1776, 1790, 1838, 1873, and 1967. Throughout the years, the Sheriff in Pennsylvania has acquired many and varied responsibilities and obligations. The Sheriff acts in the capacity of peace officer, where his duty is to keep the peace and quell riots and disorders. He has jurisdiction to make arrests anywhere in the county, to make searches of premises, and to seize items or property owned or used in violation of the law. He is called upon to remove certain nuisances, and he issues licenses to sell or to carry firearms. Connecticut and Hawaii have recently abolished the office of Sheriff.

The Sheriff is empowered to appoint deputies, and the deputies have the same powers as the Sheriff when performing their duties. The Sheriff is also invested with the power of the "posse comitatus" (the power or force of the county), which is the power to call upon "the entire population of the county above the age of fifteen, which the Sheriff may summon to his assistance in certain cases, to aid him in keeping the peace, and in pursuing and arresting felons." Today, the Sheriff, like all law enforcement officers, is faced with unprecedented challenges. However, if history is a guide, there is little question that the Office of Sheriff will adapt, grow, and change to meet the needs of modern law enforcement. The Office of Sheriff is an integral part of the American law enforcement system; a descendant of an ancient and honorable tradition.

Office of Sheriff in Pennsylvania The office of the sheriff was recognized in the earliest reports of English law. Throughout history, the sheriff was recognized as the chief law enforcement officer in his shire or county. This status remains today, unless it has been changed by statutory law. The sheriff is also given authority to

appoint deputies which are necessary in order to properly transact the business of his office. The requirement for training of deputy sheriffs is specifically provided by statute, i.e., the Deputy Sheriffs' Education and Training Act (1984 P.L. 3 No.2). However, based upon a Pennsylvania Supreme Court case, a deputy sheriff needs training similar to police officers to enable a deputy sheriff to enforce specific laws of Pennsylvania. A review of statutory law provides little guidance in addressing the issue of the duties, power, and authority of a sheriff. Case law provides that, although a sheriff's primary responsibilities are to the courts, the sheriff retains all arrest powers he/she had at common investigation of crime. More importantly, since the sheriff retains all arrest powers he/she had at common law, he/she has the authority to enforce the criminal laws as well as the vehicle laws of Pennsylvania.

Training Requirements The requirement for training of deputy sheriffs is specifically provided by statute. The Deputy Sheriffs' Education and Training Act was established in 1984. 1984 P.L.3, No. 2. The Act established what is known as the Deputy Sheriffs' Education and Training Board as an advisory board to the Pennsylvania Commission on Crime and Delinquency. The board's function is to establish, implement, and administer a minimum course of study, as well as in-service training requirements for deputy sheriffs. The training is to consist of a minimum of 760 hours, the content of which is to be determined by regulation. The Act also provides that it is the duty of all sheriffs to insure that each deputy employed, who does not meet and exception, receives the training as required by the Act within one year of being hired as a deputy sheriff. In addition to this required training, it is important to note that in *Commonwealth v. Leet*, 537 Pa. 89, 641 A.2d 299 (1994), the Pennsylvania Supreme Court imposed additional training requirements upon a deputy sheriff. The court stated that before a deputy sheriff can perform certain functions, such as enforcing motor vehicle laws, the deputy sheriff must "complete the same type of

training that is required of police officers throughout the Commonwealth." Id. at 97. Municipal police officers in Pennsylvania are required to undergo mandatory training as established under 53 Pa.C.S. 2161, et seq, also known as Act 120. The Municipal Police Officers' Education and Training Program is administered under the guise of the Pennsylvania State Police. The duties of the commission include the obligation to establish and administer minimum courses of study for basic and in-service training of police officers. Thus, training requirements in Pennsylvania are mandated by statute. A deputy must, at a minimum, undergo the training as established by the Deputy Sheriffs' Education and Training Act. However, based upon Leet, a deputy sheriff may need to undergo additional training similar to municipal police officers' training to enable a deputy sheriff to enforce the vehicle laws of Pennsylvania.

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